

Notice of Allowability

Application No.

09/986,647

Examiner

Yveste G. Cherubin

Applicant(s)

TOMIZAWA ET AL.

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 22, 2004.
2. ☒ The allowed claim(s) is/are 1,2,6-15 and 19-33.
3. ☒ The drawings filed on 27 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. This action is in response to the communication of the US Application No. 09/986,647 filed June 22, 2004.

Response to Amendment

2. It has been noted that claims 1-2, 6-12, 14-15, 19-23 have been amended, claims 3-5, 16-18 cancelled and claims 27-33 added. Hence, claims 1-2, 6-15, 19-33 are pending.

Information Disclosure Statement

3. The information disclosure statement (IDS) filed on February 27, 2002 is considered by the examiner. However, since the Applicant submitted the list of references on a sheet and failed to provide the listed references on form PTO-1449, the listed references are being recited on form PTO-892. No copies of the listed references are being submitted with this office action since the references are already on file.

Allowable Subject Matter

4. Claims 1-2, 6-15, 19-33 are allowed over the prior art of record.

Specification

5. The substitute specification filed June 22, 2004 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because:

a. The statement as to a lack of new matter under 37CFR 1.125(b) is missing.

b. A clean copy of the substitute specification has not been supplied in addition to the marked up copy.

Allowable Subject Matter

6. The following is an examiner's statement of reasons for allowance: upon extensive searches of game machine, the Examiner respectfully submits that the prior art of record fails to disclose a game machine comprising "a difficulty level change section, that in response to a difficulty level having been set low, skips or changes at least a portion of the operation type data without skipping or changing the operation timing data" as recited in independent claims 1, 14, 15, 27, 30, 31. Hence the Examiner has allowed claims 1-2, 6-15, 19-33.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art Citations

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. US Patent No. 4,249,735 to Bromley, which teaches electronic simulated football game and method.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ygc



JOHN M. HOTALING, II
PRIMARY EXAMINER

